



City Council Staff Report

DATE: December 17, 2014

PUBLIC HEARING

SUBJECT: CITY OF PALM SPRINGS ZONE TEXT AMENDMENT TO SECTION 92.17.1.01 OF THE PALM SPRINGS ZONING ORDINANCE RELATING TO EMERGENCY SHELTERS IN THE M-2 (MANUFACTURING) DISTRICT, (5.1332-ZTA).

FROM: David H. Ready, City Manager

BY: Department of Planning Services

SUMMARY

The City Council will consider a proposed Zone Text Amendment to the Palm Springs Zoning Ordinance in order to bring the code into conformance with state-mandated land use and procedural requirements for emergency shelters, and to comply with the goals of the 2007 General Plan and the 2014 Housing Element.

RECOMMENDATION:

1. Open the public hearing and receive public testimony;
2. Introduce on first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA AMENDING SECTION 92.17.1.01 OF THE PALM SPRINGS ZONING CODE RELATING TO EMERGENCY SHELTERS."

Related Prior Actions:

On October 24, 2007, the City Council adopted the updated Palm Springs General Plan, including a Housing Element.

On February 17, 2010, the Council adopted the 2010 Housing Element and was certified by the California Department of Housing & Community Development on March 3, 2010.

On January 24, 2013, the City of Palm Springs submitted its 2011 & 2012 Housing Element Annual Progress Report (APR), to the Department of Housing and Community Development.

On January 15, 2014, the City Council adopted the current Housing Element of the General Plan, but has not been certified by the California Department of Housing and Community Development pending certain amendments to the Zoning Code relating to the emergency shelters.

On July 9, 2014, the Planning Commission recommended approval of the proposed amendment to the City Council.

Background:

The proposed zoning ordinance amendment is in response to state-mandated laws requiring local governments to remove restrictions for the siting of emergency shelters. This amendment was most recently identified for adoption in the 2014 update of the City's Housing Element. Furthermore, it is important to note that the State of California Department of Housing and Community Development (HCD) conditionally approved the 2014 Housing Element Update contingent upon the City's completion of this amendment. Failure to adopt this change to the code may impede the City's ability to secure grant funding for housing programs.

The need to amend the City's regulations for emergency shelters is just one of several actions identified for completion in Goal HS1 of the 2014 Housing Element:

- HS1.4: *Complete Zoning Ordinance Amendments.* Due to staff elimination and workload, the Zoning Ordinance text amendments required to be completed in the previous planning period have been delayed. Amendments to the Zoning Ordinance are planned as follows:
- Allow emergency shelters by right in the M-2 zone.
 - Adopt Second Unit and Density Bonus provisions consistent with the current requirements of State law (*Note: An Accessory Second Unit Ordinance will be forwarded to City Council in December 2014.*)
 - Allow transitional and supportive housing as a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone. (*To be addressed at a later date.*)
 - Amend the Mixed Use development standards to allow up to 70 dwelling units per acre, consistent with the General Plan. (*To be addressed at a later date.*)
 - Adopt "Reasonable Accommodation" provisions. (*To be addressed at a later date.*)

ANALYSIS:

In accordance with the goals and action items of the Housing Element, it is proposed that the Palm Springs Zoning Ordinance (PSZO) be amended to allow emergency shelters and homeless shelters in the M-2 (Manufacturing) zone by right. Emergency Shelters are housing for homeless persons intended for occupancy of less than six

months, where no person is denied occupancy because of inability to pay. Currently, emergency and homeless shelters are not a permitted use in any of the zoning districts within the City. The State of California law requires cities to identify adequate sites and standards to facilitate and encourage the development of emergency shelters and transitional housing. Senate Bill (SB) 2 which became effective on January 1, 2008, requires the City to identify at least one zone which permits emergency shelters without a conditional use permit or other discretionary action, and requires that shelters be subject only to the development standards that apply to residential or commercial uses within the same zone. In the 2010 and 2014 adopted Housing Element of the General Plan, the M-2 (Manufacturing Zone) was identified as a future location for emergency and homeless shelters with a zoning code amendment.

Currently, the M-2 zone allows a wide variety of specific uses, including all uses permitted in the C-1, C-2, C-M, M-I-P and M-1 zones. Staff conducted a survey to discern and evaluate how this land use issue is handled in other jurisdictions; the table below offers a summary of zoning for emergency shelters in other Coachella Valley cities:

Issue	Required by:	Cities	Zones Allowed	Actions by the City of Palm Springs
Zoning Ordinance defining Homeless Shelters; allow Homeless Shelters by right in at least one zoning district.	State Law (SB 2)	Cathedral City	P/IH	Identified in the 2007 updated General Plan & the updated Housing Element of 2014
		Desert Hot Springs	RM, RH (CUP)	
		Indio	IP (CUP)	
		La Quinta	CR, CP, CC, CN, CT, CO, MC	
		Palm Desert	SI, PI	
		Rancho Mirage	P	

Key: R-M, R-H – Residential Districts; CR, CP, CC, CN, CT, CO, MC – Commercial Districts; P, P/IH – Institutional Districts; IP, PI, SI – Industrial Districts.

General Plan and Zoning Code Consistency:

The proposed amendment assists in implementing goals and action items listed in the City's 2014 Housing Element, and will assist in obtaining certification for the element from the California Department of Housing and Community Services. One of the goals listed in the element is to "support emergency shelter and transitional housing programs." Furthermore, one of the action items in the Housing Element specifically requires that the City amend its zoning code to allow shelters by right in the M-2 (Manufacturing Zone) district. Allowing emergency shelters by right in industrial zoning districts is a common zoning practice as noted in the previous summary table, and inclusion of this use in the M-2 district is consistent with the broad spectrum of uses already permitted in the district. Consequently, adoption of this amendment is consistent with the policies and goals of the General Plan and the Zoning Code.

REQUIRED FINDINGS:

Pursuant to Section 94.07.01(A)(2) of the Palm Springs Zoning Code, any proposed Zoning Code amendment shall make necessary findings to assure consistency with the intent of the General Plan and the Zoning Code.

ENVIRONMENTAL ASSESSMENT AND DETERMINATION:

The Planning Department has reviewed the proposed project under the provisions of the California Environmental Quality Act (CEQA). Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the proposed Zone Text Amendment has been deemed a "project". Staff has determined that the proposed zone text amendment (Case 5.1332-GPA/ZTA) may be deemed Categorically Exempt from the provisions of CEQA under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act since the amendment proposes only minor changes to a single zoning category. Furthermore, pursuant to CEQA Guidelines, every development application requires a separate environmental assessment and determination prior to entitlement.

CONCLUSION:

The proposed amendment to the Palm Springs Zoning Code will bring the City into compliance with required state law and land use regulations. In addition, the amendment will implement the policies and goals of the City's General Plan and Housing Element.

NOTIFICATION

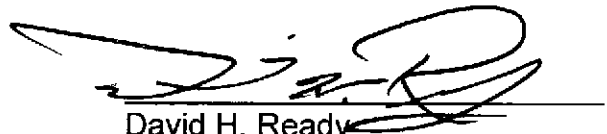
A public hearing notice was advertised in accordance with the requirements of the State law and local ordinance. As of the writing of this report, staff has not received any comments.

FISCAL IMPACT

None.



Flinn Fagg, AICP
Director of Planning Services



David H. Ready
City Manager

Attachments:

1. Draft Ordinance
2. Planning Commission Minutes dated July 9, 2014
3. Map showing the location of the M-2 zoning district
4. Letter from the State Housing & Community Development granting Conditional Approval of the last Housing Element dated December 16, 2013
5. California Government Code Section 65583

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PALM SPRINGS,
CALIFORNIA AMENDING SECTION 92.17.1.01 OF THE
PALM SPRINGS ZONING CODE RELATING TO
EMERGENCY SHELTERS.

City Attorney's Summary

This ordinance amends the zoning chapter of the City by providing a definition for emergency shelters and allowing the use as a permitted use in the M-2 Zone.

The City council of the City of Palm Springs ordains as follows:

SECTION 1: Code Amendment

1. Zoning Code Section 92.17.1.01 (M-2 Zone) entitled "Uses Permitted" is hereby amended by adding a new subsection A. 7 to read as follows:

92.17.1.01(A)

7. Emergency Shelters. Emergency Shelters are defined as housing for homeless persons for interim occupancy intended for a period of less than 6 months whereby no person is denied occupancy because of an inability to pay rent.

SECTION 2: General Plan Consistency

The City Council hereby finds that this Ordinance is consistent with the 2007 General Plan of the City of Palm Springs.

SECTION 3: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

STEPHEN P. POUINET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

CERTIFICATION:

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on _____ and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

James Thompson, City Clerk
City of Palm Springs, California

There being no further appearance public comments was closed.

1. CONSENT CALENDAR:

~~**1A. APPROVAL OF MINUTES: JUNE 25, 2014**~~

~~**ACTION:** Approve the Planning Commission Minutes of June 25, 2014, as amended.~~

~~**MOTION:** Commissioner Klatchko, seconded by Commissioner Lowe and carried 6-0-1 on a roll call vote.~~

~~**AYES:** Commissioner Calerdine, Commissioner Klatchko, Commissioner Lowe, Commissioner Roberts, Commissioner Weremiuk and Vice Chair Hudson~~

~~**ABSTAIN:** Commissioner Middleton~~

2. PUBLIC HEARINGS CONT'D:

~~**2A. KEITH ZIMMERMAN FOR A TENTATIVE PARCEL MAP, VARIANCE AND ADMINISTRATIVE MINOR MODIFICATION TO SUBDIVIDE A 0.62- ACRE LOT INTO THREE RESIDENTIAL LOTS WITH REDUCED LOT WIDTHS; LOCATED ADJACENT TO ORANGE AVENUE, SOUTH OF SUNNY DUNES ROAD AND NORTH OF MESQUITE AVENUE, ZONE R-1-D (CASE NOS. TPM 36562, 6.539 VAR AND 7.1427 AMM). (DN)**~~

~~**ACTION:** Continue to July 23, 2014.~~

~~**MOTION:** Commissioner Calerdine, seconded by Commissioner Lowe and unanimously carried on a roll call vote.~~

~~**AYES:** Commissioner Calerdine, Commissioner Klatchko, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk and Vice Chair Hudson~~

2B. CITY OF PALM SPRINGS FOR AN AMENDMENT TO THE LAND USE AND HOUSING ELEMENTS OF THE GENERAL PLAN AND VARIOUS SECTIONS 5 OF THE PALM SPRINGS ZONING ORDINANCE TO BECOME CONSISTENT WITH STATE HOUSING AND LAND USE LAWS, CITYWIDE (5.1332-GPA/ZTA). (ER)

Principal Planner Robertson emphasized the proposed changes are not for any development but to meet State law.

COMMISSIONER CALERDINE noted concern that this may result in a lot of new units and no traffic studies were done.

DIRECTOR WHEELER responded that each applicant will have to come forward with appropriate environmental analysis.

COMMISSIONER WEREMIUK commented on why she thinks CUP's are not appropriate for non-licensed supportive facilities. She expressed concerns about affordability standards.

VICE-CHAIR HUDSON opened the public hearing and with no appearances coming forward the public hearing was closed.

COMMISSIONER CALERDINE questioned if the proposed density increase will be for affordable housing.

COMMISSIONER WEREMIUK said that the additional FAR should be limited to housing only.

COMMISSIONER ROBERTS concurred with Commissioner Weremiuk.

COMMISSIONER CALERDINE concerned about overall density; would like to see a code amendment regarding transfer of development rights.

ACTION: Recommend approval to the City Council with the recommendation:

1. Section 10: "... mixed/multi use development in the Central Business District of the downtown area, **the additional FAR shall be for housing only.**

With comments:

- Allow additional density only for housing only and 25% below 120% of median income.
- Return with ordinance for transfer of development rights.

Motion: Commissioner Weremiuk, seconded by Commissioner Roberts and carried 6-1-0 on a roll call vote.

AYES: Commissioner Klatchko, Commissioner Lowe, Commissioner Middleton, Commissioner Roberts, Commissioner Weremiuk and Vice Chair Hudson

NOES: Commissioner Calerdine

DIRECTOR WHEELER reported this project would move forward to the City Council for review.

~~3. PUBLIC HEARINGS.~~

~~3A. FAMILY DEVELOPMENT, LLC, FOR A PRELIMINARY PLANNED DEVELOPMENT DISTRICT (PDD) IN LIEU OF CHANGE OF ZONE, A TENTATIVE PARCEL MAP (TPM #36767), AND A TENTATIVE TRACT MAP (TTM #36689), FOR A RESIDENTIAL GATED DEVELOPMENT OF 72 SINGLE FAMILY UNITS ON INDIVIDUAL LOTS AND 114 MULTI-FAMILY UNITS IN 19, 6-UNIT BUILDINGS ON FOUR LOTS. THE PROJECT IS LOCATED ON A ROUGHLY 24-ACRE PARCEL AT THE SOUTHEAST CORNER OF TAHQUITZ CANYON WAY AND FARRELL DRIVE. A MITIGATED NEGATIVE DECLARATION PURSUANT TO THE GUIDELINES OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, (CEQA) IS PROPOSED. (CASE 5.1046 PDD 232 AMND / TPM 36767 / TTM 36689). (KL)~~

This item was pulled from the Agenda.

~~3B. CITY OF PALM SPRINGS TO AMEND PALM SPRINGS ZONING CODE (PSZC) SECTION 93.21.00 RELATING TO OUTDOOR LIGHTING STANDARDS IN ITS ENTIRETY TO ADD INFORMATION AND ILLUSTRATIONS REGARDING THE MOST RECENT TECHNOLOGY (CASE 5.1344 ZTA). (MW)~~

DIRECTOR WHEELER presented the proposed zone text amendment.

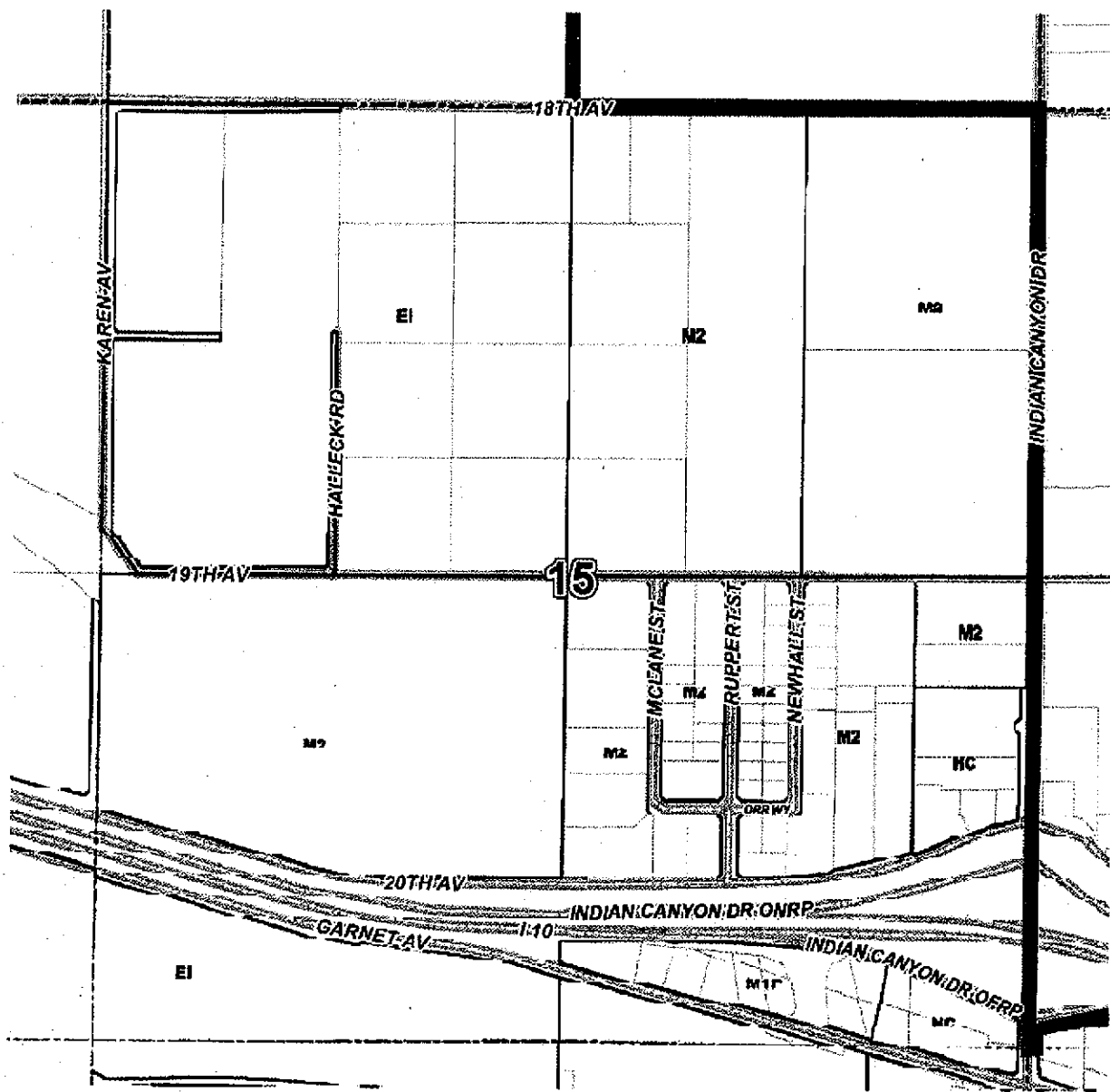
RALPH RAYA, representing MRC Engineering, said the new lighting ordinance meets the requirements for "night sky" and includes new technology.

VICE-CHAIR HUDSON opened the public hearing portion of the meeting and with no appearances coming forward the public hearing was closed.

COMMISSIONER KLATCHKO thanked Mr. Raya for his expertise and knowledge.

ACTION: Recommend approval to the City Council.

~~**MOTION:** Commissioner Calderine, seconded by Commissioner Roberts and unanimously carried on a roll call vote.~~



M-2 Zones within City of Palm Springs

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7483
www.hcd.ca.gov



December 16, 2013

John Raymond, Director
Community & Economic Development Department
City of Palm Springs
3200 E Tahquitz Canyon Way
Palm Springs, CA 92262

Dear Mr. Raymond:

RE: City of Palm Springs' 5th Cycle (2013-2021) Draft Housing Element Update

Thank you for submitting the City of Palm Springs' 5th cycle draft housing element update received for review on October 17, 2013, along with additional revisions received on December 10 and 13, 2013. Pursuant to Government Code Section 65585(b), the Department is reporting the results of the review. A telephone conversation on December 10, 2013 and various other communications with Ms. Nicole Sauviat Criste, the City's consultant, and Mr. Edward Robertson, Principal Planner, facilitated the review.

The revised draft element meets the statutory requirements of State housing element law. This finding is based on, among other reasons, the City's commitments in early 2014 to adopt the following: a density bonus ordinance, development standards for second units, a reasonable accommodation provision and a zoning ordinance to allow transitional and supportive housing to be treated as residential uses.

Please note, while the draft element meets the statutory requirements of State housing element law, the Department cannot find the element in full compliance until the City of Palm Springs amends its zoning ordinance to permit year-round emergency shelter(s) without discretionary action pursuant to Government Code Section 65583(a)(4)(A), amended by Senate Bill 2 (Chapter 633, Statutes of 2007). Program HS3.7, identified in the previous element, committed to amend the zoning ordinance to permit emergency shelters without discretionary action. The program to address the requirements of SB 2 for emergency shelters should have been implemented within one year of adoption of the housing element. As noted in the current element on page 3-41, Program HS3.7 has not been implemented. To comply with housing element law, the City must complete its SB 2 zoning amendments before submitting the adopted element for Department approval pursuant to Government Code Section 65585(g).

Mr. Raymond, Director
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Please note, to remain on an eight year housing element planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) Palm Springs must adopt its housing element within 120 calendar days from the statutory due date of October 15, 2013 for SCAG localities. If adopted after this date, the City will be required to revise the housing element every four years until adopting at least two consecutive revisions by the statutory deadline (Government Code Section 65588(e)(4)). For additional information on housing element adoption requirements, please review the Department's website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department is pleased to inform the City that prior 4th cycle housing element compliance meets one of the threshold requirements of the Housing Related Parks (HRP) Program which rewards local governments for approving housing affordable to lower-income households. The HRP Program, funded by Proposition 1C, provides grant funds to eligible local governments for every qualifying unit permitted since 2010. Grant awards can be used to fund park-related capital asset projects. The HRP Program 2013 Notice of Funding Availability (NOFA), released October 2, 2013, announced the availability of \$25 million in grant funds to eligible applicants. Applications are due January 22, 2014. Further information about the HRP Program is available on the Department's website at <http://www.hcd.ca.gov/hpd/hrpp/>.

The Department appreciates the hard work and dedication of Ms. Nicole Sauviat Criste in preparation of the housing element and looks forward to receiving Palm Springs' adopted housing element. If you have any questions or need additional technical assistance, please contact Fidel Herrera, of our staff, at (916) 263-7441.

Sincerely,



Glen A. Campora
Assistant Deputy Director

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

DIVISION 1. PLANNING AND ZONING [65000 - 66103] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

CHAPTER 3. Local Planning [65100 - 65763] (*Chapter 3 repealed and added by Stats. 1965, Ch. 1880.*)

ARTICLE 10.6. Housing Elements [65580 - 65589.8] (*Article 10.6 added by Stats. 1980, Ch. 1143.*)

The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, mobilehomes, and **emergency shelters**, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

(a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:

(1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.

(2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where **emergency shelters** are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for **emergency shelter** identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round **emergency shelter**. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where **emergency shelters** are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and

management standards are objective and encourage and facilitate the development of, or conversion to, **emergency shelters**. **Emergency shelters** may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

- (i) The maximum number of beds or persons permitted to be served nightly by the facility.
- (ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for **emergency shelters** than for other residential or commercial uses within the same zone.
- (iii) The size and location of exterior and interior onsite waiting and client intake areas.
- (iv) The provision of onsite management.
- (v) The proximity to other **emergency shelters**, provided that **emergency shelters** are not required to be more than 300 feet apart.
- (vi) The length of stay.
- (vii) Lighting.
- (viii) Security during hours that the **emergency shelter** is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more **emergency shelters** either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for **emergency shelter** identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new **emergency shelters** are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for **emergency shelters**. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities, supportive housing, transitional housing, and **emergency shelters** identified pursuant to paragraph (7). Transitional housing and supportive housing shall be considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.

(6) An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

(7) An analysis of any special housing needs, such as those of the elderly; persons with disabilities, including a developmental disability, as defined in Section 4512 of the Welfare and Institutions Code; large families; farmworkers; families with female heads of households; and families and persons in need of **emergency shelter**. The need for **emergency shelter** shall be assessed based on annual and seasonal

need. The need for **emergency shelter** may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.

(8) An analysis of opportunities for energy conservation with respect to residential development. Cities and counties are encouraged to include weatherization and energy efficiency improvements as part of publicly subsidized housing rehabilitation projects. This may include energy efficiency measures that encompass the building envelope, its heating and cooling systems, and its electrical system.

(9) An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use, and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking,

or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, the utilization of appropriate federal and state financing and subsidy programs when available, and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, **emergency shelters**, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, rezoning of those sites, including adoption of minimum density and development standards, for jurisdictions with an eight-year housing element planning period pursuant to Section 65588, shall be completed no later than three years after either the date the housing element is adopted pursuant to subdivision (f) of Section 65585 or the date that is 90 days after receipt of comments from the department pursuant to subdivision (b) of Section 65585, whichever is earlier, unless the deadline is extended pursuant to subdivision (f). Notwithstanding the foregoing, for a local government that fails to adopt a housing element within 120 days of the statutory deadline in Section 65588 for adoption of the housing element, rezoning of those sites, including adoption of minimum density and development standards, shall be completed no later than three years and 120 days from the statutory deadline in Section 65588 for adoption of the housing element.

(B) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2. The identification of sites shall include all components specified in subdivision (b) of Section 65583.2.

(C) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

(2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.

(3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.

(4) Conserve and improve the condition of the existing affordable housing stock, which may include **16**

addressing ways to mitigate the loss of dwelling units demolished by public or private action.

(5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.

(6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (9) of subdivision (a). The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (9) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.

(7) Include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals.

(8) Include a diligent effort by the local government to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.

(d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of **emergency shelters** pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round **emergency shelter** within two years of the beginning of the planning period.

(2) The agreement shall allocate a portion of the new **shelter** capacity to each jurisdiction as credit towards its **emergency shelter** need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.

(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:

(A) How the joint facility will meet the jurisdiction's **emergency shelter** need.

(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.

(C) The amount and source of the funding that the jurisdiction contributes to the facility.

(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the **shelter**.

(e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:

(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when a city, county, or city and county submits a draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, when the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

(f) The deadline for completing required rezoning pursuant to subparagraph (A) of paragraph (1) of subdivision (c) shall be extended by one year if the local government has completed the rezoning at densities sufficient to accommodate at least 75 percent of the units for low- and very low income households and if the legislative body at the conclusion of a public hearing determines, based upon

substantial evidence, that any of the following circumstances exist:

- (1) The local government has been unable to complete the rezoning because of the action or inaction beyond the control of the local government of any other state, federal, or local agency.
- (2) The local government is unable to complete the rezoning because of infrastructure deficiencies due to fiscal or regulatory constraints.
- (3) The local government must undertake a major revision to its general plan in order to accommodate the housing-related policies of a sustainable communities strategy or an alternative planning strategy adopted pursuant to Section 65080.

The resolution and the findings shall be transmitted to the department together with a detailed budget and schedule for preparation and adoption of the required rezonings, including plans for citizen participation and expected interim action. The schedule shall provide for adoption of the required rezoning within one year of the adoption of the resolution.

(g) (1) If a local government fails to complete the rezoning by the deadline provided in subparagraph (A) of paragraph (1) of subdivision (c), as it may be extended pursuant to subdivision (f), except as provided in paragraph (2), a local government may not disapprove a housing development project, nor require a conditional use permit, planned unit development permit, or other locally imposed discretionary permit, or impose a condition that would render the project infeasible, if the housing development project (A) is proposed to be located on a site required to be rezoned pursuant to the program action required by that subparagraph and (B) complies with applicable, objective general plan and zoning standards and criteria, including design review standards, described in the program action required by that subparagraph. Any subdivision of sites shall be subject to the Subdivision Map Act (Division 2 (commencing with Section 66410)). Design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

(2) A local government may disapprove a housing development described in paragraph (1) if it makes written findings supported by substantial evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(3) The applicant or any interested person may bring an action to enforce this subdivision. If a court finds that the local agency disapproved a project or conditioned its approval in violation of this subdivision, the court shall issue an order or judgment compelling compliance within 60 days. The court shall retain jurisdiction to ensure that its order or judgment is carried out. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders to ensure that the purposes and policies of this subdivision are fulfilled. In any such action, the city, county, or city and county shall bear the burden of proof.

(4) For purposes of this subdivision, "housing development project" means a project to construct residential units for which the project developer provides sufficient legal commitments to the appropriate local agency to ensure the continued availability and use of at least 49 percent of the housing units for very low, low-, and moderate-income households with an affordable housing cost or affordable rent, as defined in Section 50052.5 or 50053 of the Health and Safety Code, respectively, for the period required

by the applicable financing.

(h) An action to enforce the program actions of the housing element shall be brought pursuant to Section 1085 of the Code of Civil Procedure.

(Amended by Stats. 2010, Ch. 610, Sec. 1.9. Effective January 1, 2011.)

**CITY OF PALM SPRINGS
PUBLIC HEARING NOTIFICATION**



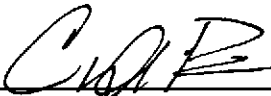
Date: December 17, 2014

Subject: Case 5.1332 ZTA

AFFIDAVIT OF PUBLICATION

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was published in the Desert Sun on December 6, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

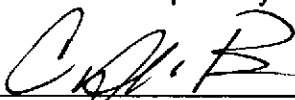


Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF POSTING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was posted at City Hall, 3200 E. Tahquitz Canyon Drive, on the exterior legal notice posting board, and in the Office of the City Clerk on December 4, 2014.

I declare under penalty of perjury that the foregoing is true and correct.

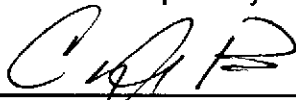


Cynthia A. Berardi, CMC
Deputy City Clerk

AFFIDAVIT OF MAILING

I, Cynthia A. Berardi, Deputy City Clerk, of the City of Palm Springs, California, do hereby certify that a copy of the attached Notice of Public Hearing was mailed to each and every person on the attached list on December 4, 2014, in a sealed envelope, with postage prepaid, and depositing same in the U.S. Mail at Palm Springs, California. (6 notices)

I declare under penalty of perjury that the foregoing is true and correct.



Cynthia A. Berardi, CMC
Deputy City Clerk

NOTICE OF PUBLIC HEARING
CITY COUNCIL
CITY OF PALM SPRINGS

CASE 5.1332 ZTA
APPLICATION BY THE CITY OF PALM SPRINGS FOR A ZONE TEXT
AMENDMENT TO SECTION 92.17.1 OF THE PALM SPRINGS ZONING CODE
RELATING TO EMERGENCY SHELTERS IN THE M-2 ZONING DISTRICT

NOTICE IS HEREBY GIVEN that the City Council of the City of Palm Springs, California, will hold a public hearing at its meeting of December 17, 2014. The City Council meeting begins at 6:00 p.m. in the Council Chamber at City Hall, 3200 East Tahquitz Canyon Way, Palm Springs.

The purpose of the hearing is to consider Case 5.1332 ZTA, an application by the City of Palm Springs, for a Zone Text Amendment to the following Section of the Palm Springs Zoning Code (PSZC).

1. *Section 92.17.1.00 of the Palm Springs Zoning Ordinance to allow Emergency and Homeless Shelters in the M-2 (Manufacturing) zone by right.*

ENVIRONMENTAL DETERMINATION: The City of Palm Springs, in its capacity as the Lead Agency, under the California Environmental Quality Act (CEQA) has determined that the proposed zoning code text amendment to the above-referenced section of the Code is Categorically Exempt under Section 15305 (Minor Alterations in Land Use Limitations) of the Guidelines for the California Environmental Quality Act. The proposed Zone Text amendment proposes only insignificant changes to certain land use designations allowing them to become consistent with State housing laws and regulations.

REVIEW OF INFORMATION: The staff report and other supporting documents regarding this matter are available for public review at City Hall between the hours of 8:00 a.m. and 6:00 p.m., Monday through Thursday. Please contact the Office of the City Clerk at (760) 323-8204 if you would like to schedule an appointment to review these documents.

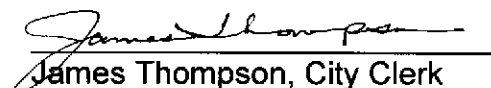
COMMENTS: Response to this notice may be made verbally at the Public Hearing and/or in writing before the hearing. Written comments may be made to the City Council by letter (for mail or hand delivery) to:

James Thompson, City Clerk
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92262

Any challenge of the proposed project in court may be limited to raising only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. (Government Code Section 65009[b][2]).

An opportunity will be given at the hearing for all interested persons to be heard. Questions regarding this case may be directed to Flinn Fagg, Director of Planning Services, at (760) 323-8245.

Si necesita ayuda con esta carta, por favor llame a la Ciudad de Palm Springs y puede hablar con Felipe Primera telefono (760) 323-8253.


James Thompson, City Clerk

Cindy Berardi

From: Joanne Bruggemans
Sent: Thursday, December 04, 2014 8:04 AM
To: Andreas Hills; Araby Commons; Araby Cove; Baristo; Canyon Corridor; Chino Canyon; Deepwell Estates; Demuth Park; Desert Park Estates; El Mirador; El Rancho Vista Estates; Four Seasons; Historic Tennis Club; Indian Canyons; Los Compadres; Midtown; Mountain Gate; Movie Colony East; Old Las Palmas; Parkview Mobile Estates; Racquet Club Estates; Racquet Club South; Racquet Club West; Sonora Sunrise; Sunmor; Sunrise Park; Sunrise Vista Chino; Tahquitz River Estates; The Mesa; The Movie Colony; Twin Palms; Vista Las Palmas; Vista Norte; Warm Sands
Cc: Flinn Fagg; Cindy Berardi
Subject: Case 5.1332 ZTA - Emergency Shelters and Case 5.1341 ZTA - Accessory Uses
Attachments: CC PHN Case 5.1332 ZTA.pdf; CC PHN Case 5.1341 ZTA.pdf

To All –

Please find the attached Public Hearing Notices of the City Council for December 17, 2014 of the proposed Zone Text Amendments.

Thank you,

Joanne

Joanne Bruggemans
City of Palm Springs
Planning Services Department
3200 E. Tahquitz Canyon Way, Palm Springs, CA 92262
Phone: (760) 323-8245 Fax: (760) 322-8360
Email: joanne.bruggemans@palmspringsca.gov